

ESTTA Tracking number: **ESTTA723173**

Filing date: **01/27/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Bronze Management Inc.
Granted to Date of previous extension	01/27/2016
Address	580 Broadway, Suite 202 New York, NY 10012 UNITED STATES
Attorney information	Catherine M.C. Farrelly Frankfurt Kurnit Klein & Selz PC 488 Madison Avenue New York, NY 10022 UNITED STATES pto@fkks.com Phone:212.826.5579

### Applicant Information

Application No	86625180	Publication date	09/29/2015
Opposition Filing Date	01/27/2016	Opposition Period Ends	01/27/2016
Applicant	Glow Bar Sunless Tanning 2463 N. Atwood Mesa, AZ 85207 UNITED STATES		

### Goods/Services Affected by Opposition

Class 044. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Airbrush skin tanning services for humans for cosmetic purposes; Tanning salons

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3113111	Application Date	02/24/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	BRAZIL BRONZE GLOW BAR		

Design Mark	<b>BRAZIL BRONZE GLOW BAR</b>
Description of Mark	NONE
Goods/Services	Class 044. First use: First Use: 2002/11/30 First Use In Commerce: 2002/11/30 Sunless airbrush tanning salon services; sunless airbrush tanning salon services which help reduce the appearance of cellulite; sunless airbrush tanning salon services which give the body a more sculpted appearance; skin care salon services; health spa services, namely body careservices

U.S. Registration No.	3234671	Application Date	02/24/2005
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	BRAZIL BRONZE GLOW BAR		
Design Mark	<b>BRAZIL BRONZE GLOW BAR</b>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/05/31 First Use In Commerce: 2005/05/31 Sunless tanning preparations, sunless airbrush tanning solutions and sprays; sunless airbrush tanning solutions which, when applied, help reduce the appearance of cellulite; sunless airbrush tanning solutions which, when applied, gives the body a more sculpted appearance; facial bronzers; face and body lotions; exfoliating face and body washes; self-tanning lotions; sunscreens; sunblocks; sun-tanning lotions, gels and oils, sunless tanning powders; sunless tan extenders; after-sun skin lotions; lip balms; skin moisturizers, skin cleansers; facial masks; skin fresheners and tonics; make-up remover, foundation makeup; bath and shower soap, gel and foam; and bubble bath, allof the foregoing not in bar form		

Attachments	78574057#TMSN.png( bytes ) 78574038#TMSN.png( bytes ) GLOWBAR-NOTICEOFOPPOSITION.pdf(888219 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cmc/
Name	Catherine M.C. Farrelly
Date	01/27/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Ser. No. 86/625,180

Mark: GLOWBAR

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BRONZE MANAGEMENT INC. dba BRAZIL	:	
BRONZE GLOW BAR,	:	
	:	
Opposer,	:	
	:	Opposition No.
v.	:	
	:	
GLOW BAR SUNLESS TANNING,	:	
	:	
Applicants.	:	
	:	
-----	X	

**NOTICE OF OPPOSITION**

Bronze Management Inc. dba Brazil Bronze Glow Bar (“Brazil Bronze” or “Opposer”), a New York corporation located at 580 Broadway, Suite 202, New York, NY 10012, believes that it will be damaged by registration of the subject mark of Application Ser. No. 86/625,180 (the “Challenged Application”), GLOWBAR, and hereby opposes that application. On information and belief, the owner of the Challenged Application is Glow Bar Sunless Tanning (“Applicant”), a sole proprietorship having an address of 2463 N. Atwood, Mesa, AZ 85207.

The grounds for opposition are as follows:

1. Brazil Bronze is the owner of the following incontestable United States Trademark

Registrations for BRAZIL BRONZE GLOW BAR (the “BRAZIL BRONZE GLOW BAR Marks”):

MARK	REG. NO.	GOODS	PRIORITY
BRAZIL BRONZE GLOW BAR	3,234,671	<b>Class 3:</b> Sunless tanning preparations, sunless airbrush tanning solutions and sprays; sunless airbrush tanning solutions which, when applied, help reduce the appearance of cellulite; sunless airbrush tanning solutions which, when applied, gives the body a more sculpted appearance; facial bronzers; face and body lotions; exfoliating face and body washes; self-tanning lotions; sunscreens; sunblocks; suntanning lotions, gels and oils, sunless tanning powders; sunless tan extenders; after-sun skin lotions; lip balms; skin moisturizers, skin cleansers; facial masks; skin fresheners and tonics; make-up remover, foundation makeup; bath and shower soap, gel and foam; and bubble bath, all of the foregoing not in bar form	Use since at least as early as 5/31/2005
BRAZIL BRONZE GLOW BAR	3,113,111	<b>Class 44:</b> Sunless airbrush tanning salon services; sunless airbrush tanning salon services which help reduce the appearance of cellulite; sunless airbrush tanning salon services which give the body a more sculpted appearance; skin care salon services; health spa services, namely body care services.	Use since at least as early as 11/30/2002

2. Printouts from the TSDR Database showing the current status and title of Brazil Bronze’s registrations for the BRAZIL BRONZE GLOW BAR Marks are annexed hereto as Exhibit A.

3. By virtue of Brazil Bronze’s longstanding use and promotional efforts, the BRAZIL BRONZE GLOW BAR Marks have developed substantial and valuable goodwill that belongs exclusively to Brazil Bronze.

4. On May 11, 2015, Applicant filed the Challenged Application, seeking to register the mark GLOWBAR for “airbrush skin tanning services for humans for cosmetic purposes; tanning salons.”

5. The Challenged Application is based on intent to use.

6. Brazil Bronze has used the BRAZIL BRONZE GLOW BAR Marks in connection with the goods and services listed in its foregoing registrations for long prior to the filing date of the Challenged Application.

7. Brazil Bronze's rights in and to its BRAZIL BRONZE GLOW BAR Marks are long prior to any common law rights Applicant may have in the subject mark of the Challenged Application.

8. The services covered by the Challenged Application are identical to, or closely related to, the goods and services covered by Brazil Bronze's registrations for the BRAZIL BRONZE GLOW BAR Marks.

9. The subject mark of the Challenged Application so resembles Brazil Bronze's BRAZIL BRONZE GLOW BAR Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, or to deceive as to the affiliation, connection or association of Applicant and its services with Brazil Bronze, or as to the origin, sponsorship or approval of Applicant and its services by Brazil Bronze.

10. Brazil Bronze believes that it will be damaged by the registration of the subject mark of the Challenged Application because such registration would support and assist Applicant in the confusing and misleading use of the designation it seeks to register, and would give color of exclusive statutory rights to Applicant, in violation and derogation of the prior superior rights of Brazil Bronze.

WHEREFORE, Brazil Bronze requests that the Challenged Application be refused registration, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Please recognize as attorneys for Opposer in this proceeding Catherine M.C. Farrelly (member of the Bar of the State of New York), and the law firm of Frankfurt Kurnit Klein & Selz, P.C., 488 Madison Avenue, 10<sup>th</sup> Floor, New York, NY 10022. Kindly direct all correspondence to the attention of Catherine M.C. Farrelly at the following address.

Dated: January 27, 2016

Respectfully Submitted,

FRANKFURT KURNIT KLEIN & SELZ P.C.

By: 

Catherine M.C. Farrelly

488 Madison Avenue

10<sup>th</sup> Floor

New York, NY 10022

Tel: 212.826.5579

E: cfarrelly@fkks.com

*Attorneys for Opposer*

*Bronze Management Inc.*

*dba Brazil Bronze Glow Bar*

# **EXHIBIT A**



STATUS DOCUMENTS MAINTENANCE

[Back to Search](#)[Print](#)

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Mark: BRAZIL BRONZE GLOW BAR

BRAZIL BRONZE GLOW  
BAR

US Serial Number: 78574038

Application Filing Date: Feb. 24, 2005

US Registration Number: 3234671

Registration Date: Apr. 24, 2007

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 09, 2013

Publication Date: Apr. 18, 2006

Notice of Allowance Date: Jul. 11, 2006

## Mark Information

Mark Literal Elements: BRAZIL BRONZE GLOW BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: BRONZE

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \* identify additional (new) wording in the goods/services.

**For:** Sunless tanning preparations, sunless airbrush tanning solutions and sprays; sunless airbrush tanning solutions which, when applied,

help reduce the appearance of cellulite; sunless airbrush tanning solutions which, when applied, gives the body a more sculpted appearance; facial bronzers; face and body lotions; exfoliating face and body washes; self-tanning lotions; sunblocks; suntanning lotions, gels and oils, sunless tanning powders; sunless tan extenders; after-sun skin lotions; lip balms; skin moisturizers, skin cleansers; facial masks; skin fresheners and tonics; make-up remover, foundation makeup; bath and shower soap, gel and foam; and bubble bath, all of the foregoing not in bar form

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 2005

Use in Commerce: May 31, 2005

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: BRONZE MANAGEMENT INC.

Owner Address: 580 BROADWAY  
NEW YORK, NEW YORK UNITED STATES 10012

Legal Entity Type: CORPORATION

State or Country Where  
Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mary Sotis

Docket Number: 013546.0300

Attorney Primary Email [pto@fkks.com](mailto:pto@fkks.com)

Attorney Email Authorized: Yes

## Address:

## Correspondent

Correspondent Mary Sotis

Name/Address: Frankfurt Kurnit Klein &amp; Selz PC

488 Madison Avenue

NEW YORK, NEW YORK UNITED STATES 10022-5754

Phone: (212) 980-0120

Fax: (212) 593-9175

Correspondent e-mail: [pto@fkks.com](mailto:pto@fkks.com)Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 12, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 09, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 09, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76873
May 09, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Apr. 17, 2013	TEAS SECTION 8 & 15 RECEIVED	
Apr. 24, 2007	REGISTERED-PRINCIPAL REGISTER	
Mar. 13, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	66121
Mar. 13, 2007	ASSIGNED TO LIE	66121
Feb. 15, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 14, 2007	ASSIGNED TO EXAMINER	
Jan. 30, 2007	STATEMENT OF USE PROCESSING COMPLETE	83180
Dec. 04, 2006	USE AMENDMENT FILED	76569
Dec. 04, 2006	TEAS STATEMENT OF USE RECEIVED	76569
Jul. 11, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 18, 2006	PUBLISHED FOR OPPOSITION	

Mar. 29, 2006	NOTICE OF PUBLICATION	
Feb. 28, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	71466
Feb. 24, 2006	ASSIGNED TO LIE	71466
Feb. 17, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	71466
Feb. 07, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	71466
Feb. 07, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 22, 2005	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION ENTERED	77075
Sep. 22, 2005	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Sep. 22, 2005	EXAMINER'S AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76465
Sep. 19, 2005	ASSIGNED TO EXAMINER	76465
Mar. 04, 2005	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: May 09, 2013

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

STATUS DOCUMENTS MAINTENANCE

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Mark: BRAZIL BRONZE GLOW BAR

**BRAZIL BRONZE GLOW  
BAR**

US Serial Number: 78574057

Application Filing Date: Feb. 24, 2005

US Registration Number: 3113111

Registration Date: Jul. 04, 2006

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Sep. 17, 2015

Publication Date: Nov. 15, 2005

Notice of Allowance Date: Feb. 07, 2006

**Mark Information**

Mark Literal Elements: BRAZIL BRONZE GLOW BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: BRONZE

**Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*. \* identify additional (new) wording in the goods/services.

**For:** Sunless airbrush tanning salon services; sunless airbrush tanning salon services which help reduce the appearance of cellulite; sunless

airbrush tanning salon services which give the body a more sculpted appearance; skin care salon services; health spa services, namely body care services

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2002

Use in Commerce: Nov. 30, 2002

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: BRONZE MANAGEMENT INC.

Owner Address: PO Box 563  
Smallwood, NEW YORK UNITED STATES 12778

Legal Entity Type: CORPORATION

State or Country Where  
Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Catherine M.C. Farrelly

Docket Number: 013546.0300

Attorney Primary Email Address: [pto@fkks.com](mailto:pto@fkks.com)

Attorney Email Authorized: Yes

**Correspondent**

**Correspondent** Catherine M.C. Farrelly  
**Name/Address:** Frankfurt Kurnit Klein & Selz PC  
 488 Madison Avenue  
 NEW YORK, NEW YORK UNITED STATES 10022-5754

**Phone:** (212) 980-0120

**Fax:** (212) 593-9175

**Correspondent e-mail:** [pto@fkks.com](mailto:pto@fkks.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Sep. 17, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 17, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Sep. 17, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Sep. 17, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Aug. 17, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 12, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 04, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 24, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 24, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Jan. 24, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jan. 04, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jul. 04, 2006	REGISTERED-PRINCIPAL REGISTER	
May 23, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
May 12, 2006	ASSIGNED TO LIE	68123
May 09, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 18, 2006	STATEMENT OF USE PROCESSING COMPLETE	78289

Feb. 27, 2006	USE AMENDMENT FILED	78289
Feb. 27, 2006	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 15, 2005	PUBLISHED FOR OPPOSITION	
Oct. 26, 2005	NOTICE OF PUBLICATION	
Sep. 27, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Sep. 23, 2005	ASSIGNED TO LIE	77075
Sep. 22, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 22, 2005	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2005	EXAMINERS AMENDMENT -WRITTEN	76465
Sep. 19, 2005	ASSIGNED TO EXAMINER	76465
Mar. 04, 2005	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 04, 2016

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 17, 2015

[Assignment Abstract Of Title Information - Click to Load](#)

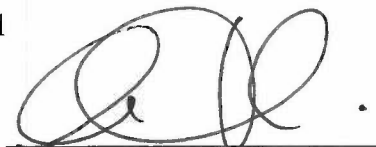
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on this 27<sup>th</sup> day of January, 2016, I caused a true copy of the foregoing Notice of Opposition to be served on Applicant via First Class Mail to:

Ms. Lauren Smith  
Glow Bar Sunless Tanning  
2463 N. Atwood  
Mesa, AZ 85207-1461

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final dot.

Catherine M.C. Farrelly